THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25098 of 2006

04.12.2006

Between:

Abbagani Venkata Ramana, S/o.Laxmi Narayana

... Petitioner

AND

The District Revenue Officer, Warangal
And others

... Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.25098 of 2006

ORDER:

The petitioners are brothers. They are allegedly owners of land in survey Nos.242/D (Acs.0.14 guntas) and 249/D (Acs.0.13 guntas) situated at Hanamkonda. According to them, their father was owner of the land, who was shown as occupant in Khasra Pahani 1954-1955, and after his death on 08.8.2005, petitioners' names were mutated as legal heirs. The third respondent herein filed appeal/revision before the first respondent seeking rectification of entries in pahanis 1997-1998 for incorporation of her name. She alleged that her husband Ramaswamy purchased the subject land from Dornala Yerragattu, S/o.Yellaiah in 1347F and that she has been enjoying the land as owner. The Mandal Revenue Officer (MRO), Hanamkonda, the second respondent herein, conducted enquiry and submitted a report to the first respondent to the effect that Abbagani Lakshminarayana is recorded as pattadar of the land but third respondent is cultivating the land. The first respondent then passed orders directing to restore/record the name of the husband of third respondent, Ramaswamy, in the 'occupant' column. The said order dated 02.9.2006 in purported exercise of powers under Section 166-B of A.P. (Telangana Area) Land Revenue Act, 1317F (the Revenue Act, for brevity), aggrieved by which the present writ petition is filed.

Learned Counsel for the petitioners submits that the District Revenue Officer – the first respondent herein; has no jurisdiction or authority to order rectification of entries in the pahanis and that such procedure is contemplated only in A.P. Rights in Land and Pattadar Pass Books Act, 1971 (the RoR Act, for brevity). Secondly, he submits that the report of the MRO itself cannot be the basis to restore the entries in favour of the third respondent.

A perusal of the impugned order would show that the third respondent in her appeal before the first respondent claimed that she is owner of the subject land and that she paid land revenue upto 2002-2003. She alleged that when she obtained pahanis for 2002-2003, she found the name of her husband was wrongly mentioned as Lakshminarayana instead of Ramaswamy. Therefore, she asked for necessary correction. An enquiry was conducted by the MRO, who by letter dated 08.6.2006 informed that Abbagani Lakshminarayana recorded as pattadar and that legal heirs of Lakshminarayana failed to explain the reason for the same. The MRO recorded the statement of

the owner of the adjacent land, who deposed that the land is owned by Abbagani Lakshmi, W/o.Ramaswamy. The first respondent then issued notice to the petitioner and third respondent. He considered two issues and held in favour of third respondent ordering rectification of the name of the husband of third respondent as Ramaswamy.

Whether the order of the first respondent is contrary to the provisions of the RoR Act? The contention that the RoR Act is only applicable for rectification of entries in the revenue records cannot be accepted. The term "record of rights" as defined in Section 2(9) of the RoR Act would mean that records prepared and maintained under the provisions of the Act. Rule 3 of the A.P. Rights in Land and Pattadar Pass Books Rules, 1989 (the Rules, for brevity) specifically lays down that pahani/adangal does not constitute record of rights for the village. Therefore, when the third respondent sought for rectification of the entries, she could only get redressal under the provisions of the Revenue Act. Therefore, the first respondent was justified in entertaining the application under the Revenue Act. In **Velupadas Veeraswamy v The Secretary, Revenue Department, Government of Andhra Pradesh**[1] this Court has laid down that by reason of the notification issued under Section 3 of the A.P. District Collector's Powers (Delegation) Act, 1961, District Revenue Officer is also vested with the powers under Section
166-B of the Revenue Act. Therefore, the submission that the order is passed without jurisdiction cannot be countenanced.

Learned Counsel for the petitioners has placed reliance on the decision of a Division Bench of this Court in **M.B.Ratnam v RDO, Ranga Reddy District**[2], the decision has no application. In the said decision, this Court considered the question whether an appeal under Section 5-B of the RoR Act would lie against an order passed by the MRO under Section 5-A of the RoR Act prior to introduction of Section 5-B of the RoR Act with effect from 31.10.1993. Answering the query in the negative, this Court held that in respect of the orders passed by the MRO under Section 5-A of the RoR Act prior to 31.10.1993, no appeal would lie to the Revenue Divisional Officer under Section 5-B of the RoR Act.

The first respondent considered the rival contentions in proper perspective and recorded the findings that Abbagani Lakshmi, W/o.Ramaswamy, was wrongly recorded as Abbagani Lakshmi, W/o.Lakshminarayana. The first respondent also observed that the records show that Dornala Yellaiah was pattadar as per the Urdu document, and that his son, Dornala Yerragattu, executed sale deed in favour of Ramawamy, the husband of the third respondent. This is a

finding based on record and it cannot be interfered with.

The writ petition, for the above reasons, is devoid of merit and is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

December 04, 2006
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[1] W.P.No.16174 of 2006, dated 22.9.2006

[2] 2003(1) ALD 826 (DB)